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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,865	04/05/2004	Chi Cheng Lu	MR2349-1005	1804

4586 7590 06/01/2005

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,865	Applicant(s) LU, CHI CHENG	
	Examiner James R. Brittain	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over either Welch (DE 2729088) or JP 4-24004.

Welch (figures 1-3) teaches dyeing the tapes and teeth of a slide fastener by applying a pattern by a transfer process. The pattern transfer covers both teeth and tapes and dispenses with concealing the teeth so as to provide a result for the same purpose as applicant's disclosure. Since the transfer process provides for advertising and decorative patterns, it is well understood in the art that multiple colors would be transferred as part of the process so as to yield a decorative pattern where the leaves in figure 1 would be in a contrasting color to the flowers and stem. The teeth are fixed to the two insides of the tape and are covered by the pattern since the two sides of the tapes adjacent the teeth shown in figure 1 are considered to be the two insides of the tapes.

JP 4-24004 (figure 1) teaches dyeing the tapes and teeth of a slide fastener by applying a pattern by a dot matrix process. The dot matrix process covers both teeth and tapes and dispenses with concealing the teeth so as to provide a result for the same purpose as applicant's disclosure. Since the dot matrix process provides for advertising and decorative patterns, it is well understood in the art that multiple colors would be transferred as part of the process so as to

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yield a decorative pattern. The teeth are fixed to the two insides of the tape and are covered by the pattern since the two sides of the tapes adjacent the teeth shown in figure 1 are considered to be the two insides of the tapes.

As to claim 2, the patterns shown in both Welch and JP 4-24004 are complementary designs.

In regard to claims 3 and 4, the use of the same color between the teeth and the pattern on the tapes or different colors on the teeth from the pattern on the tapes is a matter of aesthetics and well within the level of skill in the art as color has been established in the art as a variable to be manipulated for a pleasing effect.

As to claim 5, both Welch and JP 4-24004 establish dyeing as a way of placing color on the zippers.

In regard to claim 7, both Welch and JP 4-24004 are zippers and have sliders.

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over Welch (DE 2729088) or JP 4-24004 as applied to claim 2 above, and further in view of JP 1-256903.

Embroidery is a common decorative technique on garments for decorative purposes and JP 1-256903 (figures 9-12) establishes that it is well known on zipper tapes as well, thereby rendering obvious the use of embroidery in conjunction with either the zipper of Welch or the zipper of JP 4-24004.

Conclusion

The patents of Tsubata (US 5042117, figure 1), Yoshida (US 5400441, figures 1, 2) and Wakai et al. (US 5983465, figures 10, 11) teach pertinent zipper structure.

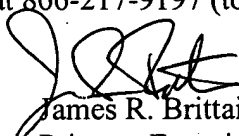
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065.

The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James R. Brittain
Primary Examiner
Art Unit 3677

JRB